



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 9 जनवरी, 1974/19 पौष, 1895

GOVERNMENT OF HIMACHAL PRADESH

PANCHAYATI RAJ DEPARTMENT

NOTIFICATION

Simla-4, the 31st December, 1973

No. 6-1/69-CDP(PNT).—In exercise of the powers conferred by section 60 of the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970), the Governor, Himachal Pradesh is pleased to make the following amendments in the Himachal Pradesh Gram Panchayat Rules, 1971, the same having been previously published in the Official Gazette; vide this Government notification of even number, dated the 20th September, 1973.

AMENDMENTS

Short title
and com-
mencement

1. (1) These rules may be called the Himachal Pradesh Gram Panchayat (First Amendment) Rules, 1973.
- (2) They shall come into force at once.

Amendment
of rule 3 (3).

2. For the fullstop “.” occurring at the end of sub-rule (3) of rule 3 of the Himachal Pradesh Gram Panchayat Rules, 1971 (hereinafter called the “said rules”), the comma and the following words shall be substituted, namely:—

“, Subject to right of appeal to the State Government by aggrieved party, if any.”.

Amend-
ment of rule
4 (2).

3. In sub-rule (2) of rule 4 of the said rules, the word “in” shall be inserted in between the words “into” and “the”.

Substitution
of rule 6.

4. For the existing rule 6 of the said rules the following rule 6 shall be substituted, namely:—

“The register for the first time shall be prepared by the Panchayat Secretary, and shall be verified by the District Panchayat Officer or his authorised nominee. In case there is no Panchayat Secretary in a Gram Panchayat for any reason, the register shall be prepared by the Gram Sewak and in his absence by the village Patwari. Similarly, where, there is no District Panchayat Officer in a District, the register shall be verified by the Block Development Officer or his authorised nominee. At the end of each year, entries about birth and death or other changes in any family, qualifications and disqualifications of any member or additions of any new family which have occurred during the year shall be made by the District Panchayat Officer/Block Development Officer or his nominee in part I and II or both, as the case may be. The Government may order periodical revision of the register”.

Substitution
of rule 14.

5. For existing rule 14 of the said rules the following rule 14 shall be substituted, namely:—

“14(1) The Pradhan of the Gram Panchayat, the Up-pradhan in the absence of the Pradhan or in the absence of the Pradhan and Up-pradhan, such member of the Gram Sabha, who may be presiding over the meeting of the Sabha may disallow the moving or discussion of any resolution or proposition which he considers to be beyond the scope of Sabha and in doing so he shall record his reasons in writing.

- (2) All resolutions or propositions, not disallowed under sub-rule (1) shall be discussed and passed by a majority of votes. In case of equality of votes, the person presiding over the meeting of the Sabhashall have a casting vote”.

Insertion
of new rule
19 D.

6. After rule 19 C of the said rules, a new rule 19D shall be inserted, namely:—

“19D. *Administration of oath to Pradhan and Up-pradhan.*—As soon as the names of the elected Pradhan and Up-pradhan are notified, the Deputy Commissioner or any other officer authorised by him for this purpose shall administer oath/affirmation to the elected Pradhan and Up-pradhan as required under section

10(3) of the Himachal Pradesh Panchayati Raj Act, 1968 on the same form as specified in the Schedule I of the Act with the substitution that for the word 'Panch' the words 'Pradhan or Up-pradhan' shall be read".

7. In rule 28 of the said rules, for the words "that the Pradhan of the meeting," the words and commas "that the Pradhan or the Panch, presiding over the meeting", shall be substituted.

Amendment of rule 28.

8. In sub-rule (2) of rule 29 of the said rules for the words and comma "by the Pradhan or the Presiding", the words, brackets and figures "under sub-rules (1)" shall be substituted.

Amendment of rule 29 (2).

9. For rule 30 of the said rules, the following rule 30 shall be substituted, namely:—

Substitution of rule 30.

"30. A Pradhan shall have power to do any work in case of some emergency, without obtaining the sanction of the Panchayat, if for any reason, it is not possible for him to convene the meeting of the Gram Panchayat. He shall, however, place the matter before the next meeting of the Panchayat for approval. In case the Panchayat refuses to accord the approval, the Pradhan, may, if he so deems fit, submit the matter to the Panchayat Samiti whose decision shall be final."

10. In rule 33 of the said rules, the following amendments shall be carried out:—

Amendment of rule 33.

(a) For sub-rule (1) the following sub-rule (1) shall be substituted, namely:—

(1) Panchayat Samiti shall be the prescribed authority, for the purposes of sub-section (1) of section 15 of the Act:

Provided that the District Panchayat Officers of Simla, Mandi, Bilaspur, Chamba Sirmur and Kinnaur in whose jurisdiction the Secretary for a Gram Panchayat or a group of Panchayats is to function, shall be the prescribed authority for the purposes of sub-section (1) of section 15 of the Act pending elections of Panchayats of these districts and coming of Panchayat Samitis into existence."

(b) In clause (1) of sub-rule (3) for the words "to the notice of the person appointed in this behalf", the words "to their notice" shall be substituted.

11. For fullstop "." occurring at the end of sub-rule (1) of rule 34 of the said rules the colon ":" shall be inserted, namely:—

Insertion of proviso to sub-rule (1) of rule 34.

"Provided that District Panchayat Officers in the districts of Simla, Bilaspur, Mandi, Chamba, Sirmur and Kinnaur shall exercise the power of Chairman of the Samitis till the Panchayat Samitis are constituted and start functioning in the districts"

12. In rule 36 of the said rules in between the words "maintain a" and "provident fund", the word "contributory" shall be inserted.

Amendment of rule 36.

13. In rule 37 of the said rules, the words, brackets and figures "East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948" the words, brackets and figures, "Himachal Pradesh Holdings (Consolidation and Prevention of Fragmentation) Act, 1971" shall be substituted.

Amendment of rule 37.

Amendment of rule 39. 14. In rule 39 of the said rules, the coma and words," "except Nazul land" shall be deleted.

Amendment of rule 43. 15. In rule 43 of the said rules the words "the same shall be affixed at conspicuous place of his residence and "shall be inserted in between the words "thereof" and "the facts".

Amendment of rule 45. 16. In rule 45 of the said rules, the following amendments shall be carried out, namely:—

(a) for the words "the officer receiving the report", the words "the person receiving the reports" shall be substituted;

(b) for the fullstop "." occurring at the end, the comma, words and fullstop, ",", subject to the maximum of rupees five shall be substituted.

Amendment of rule 48. 17. In sub-rule (2) of rule 48 of the said rules, after words "headmaster of the school," the words "and in his absence in the charge of any person authorised by the Panchayat", shall be inserted.

Substitution of rule 50. 18. For rule 50 of the said rules, the following rule 50 shall be substituted, namely:—

"The Pradhan or Up-Pradhan of the Gram Panchayat shall inspect and supervise, or cause inspection and supervision of, the schools, dispensaries, libraries and other institutions established or maintained by the Panchayat. It shall be their duties to encourage, people to give necessary help to these institutions."

Amendment of rule 53. 19. In rule 53 of the said rules, the following amendments shall be carried out:—

(a) in clause (b) the word "and" shall be inserted at the end;

(b) the existing clause (c) shall be deleted; and

(c) the existing clause (d) shall be re-named as clause (c).

Amendment of rule 58. 20. In sub-rule (3) of rule 58 of the said rule after the word "issued", the words "and notified" shall be inserted.

Amendment of rule 62. 21. In rule 62 of the said rules, for the fullstop "." the comma, words and fullstop, "and in the absence of such instructions, in accordance with a resolution by the Gram Panchayat concerned," shall be inserted.

Amendment of rule 67. 22. In rule 67 of the said rules, after the words "to do so" the words "through the Pradhan or Up-pradhan" shall be inserted.

Amendment of rule 68. 23. In rule 68 of the said rules, the words "subject to" shall be inserted in between the words "exceedings rupees five hundred," and "approval by the Chairman".

Deletion of rule 69. 24. The existing rule 69 of the said rules shall be deleted.

Amendment of rule 70. 25. In rule 70 of the said rules, the following amendments shall be carried out, namely:—

(a) for the existing sub-rule (1) the following sub-rule (1) shall be substituted:—

"(1) Applications for copies of the records of a Panchayat shall be made and the copies issued in the manner prescribed in sub-rule (2) to (6);".

(b) in sub-rule (2), the words "any other Panch authorised by him" shall be substituted with the word "Up-pradhan".

(c) in sub-rule (5), the word "pradhan" shall be substituted with the word "Secretary".

26. In Form II of the said rules, after item No. 5 and before item No. 6, the following new entry "5A" shall be inserted, namely:—

Amendment
of Form II.

"5-A. Number of trees in the land and description thereof."

PRITPAL SINGH,
Under Secretary.